

16-90079-jm to 16-90083-jm
October 5, 2016
Chief Judge

**JUDICIAL COUNCIL OF THE
SECOND CIRCUIT**

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In re
CHARGES OF JUDICIAL MISCONDUCT

Docket Nos. 16-90079-jm
16-90080-jm
16-90081-jm
16-90082-jm
16-90083-jm

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ROBERT A. KATZMANN, *Chief Judge*:

On July 21, 2016, the Complainant filed five complaints with the Clerk's Office of the United States Court of Appeals for the Second Circuit pursuant to the Judicial Conduct and Disability Act of 1980, 28 U.S.C. §§ 351-364 (the "Act"), and the Rules for Judicial-Conduct and Judicial-Disability Proceedings, 249 F.R.D. 662 (U.S. Jud. Conf. 2008) (the "Rules"), charging four district judges and a magistrate judge of this Circuit (the "Judges") with misconduct.

BACKGROUND

These five identical misconduct complaints raise accessibility concerns about the U.S. Post Office and Courthouse in Rutland, Vermont, a building owned by the U.S. Postal Service and managed for the judiciary by the General

Services Administration (GSA). The misconduct complaints allege that problems with the entranceway to the building and an adjacent parking lot—in particular, a posted sign prohibiting parking in the adjacent lot for court proceedings—render it difficult or impossible for disabled individuals to access the courthouse to observe proceedings.

The chief district judge and the clerk of court both wrote letters to the Complainant responding to his concerns, and the clerk of court additionally spoke via telephone with the Complainant on several occasions. The Complainant was advised in these communications that: [i] the judiciary brought his accessibility concerns to the attention of the U.S. Postal Service and GSA; [ii] in response, the U.S. Postal Service removed the sign prohibiting parking in the adjacent lot; [iii] the Complainant was welcome to park in the adjacent lot; and [iv] the U.S. Postal Service and/or GSA hired an architect to review current building accessibility and additionally plan to renovate the current wheelchair ramp and vestibule.

DISCUSSION

The complaints are dismissed.

The U.S. Post Office and Courthouse in Rutland, Vermont, is owned by the

U.S. Postal Service. GSA leases space from the U.S. Postal Service and assigns some of this leased space to the judiciary. Accordingly, the ultimate responsibility for maintenance and accessibility reside with the U.S. Postal Service and GSA. Nevertheless, the judiciary was very responsive to the Complainant's concerns, and worked to find short-term remedies, including the removal of the no parking sign and permission to park in the adjacent parking lot. Therefore, the complaints are dismissed because no judicial misconduct has occurred.

The Clerk is directed to transmit copies of this order to the Complainant and to the Judges.